

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LYNEISHA FORD,

Plaintiff,

-vs-

09-CV-627-JTC

PRINCIPAL RECOVERY GROUP, INC.

Defendant .

On September 29, 2011, this court filed a Decision and Order in this case denying plaintiff's motion for a stay, granting defendant's motion for summary judgment, and awarding sanctions (Item 47). Plaintiff now seeks to vacate the grant of summary judgment and the award of sanctions (Item 52). In a text order filed October 31, 2011, this court ordered defendant to respond to plaintiff's motion to vacate on or before November 30, 2011. Upon further reflection, it would seem that the best course of action is to allow plaintiff an opportunity to respond to the defendant's motions.

The matter was previously assigned to another judge, was referred to a magistrate judge, and was transferred to this court following the filing of the motions. It has come to the attention of the court that plaintiff did not file a response to defendant's motions for summary judgment and for sanctions as she believed that the court would first rule on the motion for a stay and then issue a scheduling order relative to the other motions.

Accordingly, the court vacates that portion of the September 29, 2011 order which granted the defendant's motions and vacates the judgment entered September 30, 2011. Plaintiff shall file a response to defendant's motions for summary judgment (Item 32) and for sanctions (Item 29) on or before December 5, 2011. Defendant may file a reply by December 19, 2011. Thereafter, the court will consider the motions submitted.

So Ordered.

_____\s\ John T. Curtin_____
JOHN T. CURTIN
United States District Judge

Dated: November 3, 2011
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